

CHAPTER V – CLASSIFIED HUMAN RESOURCES

A. DEFINITIONS

As used in this chapter, the following words shall have the designated meanings:

1. **Classified Human Resources.** All employees of the Palo Alto Unified School District employed in positions not requiring certification qualifications shall be members of the classified service except:
 - a. Substitute and short-term employees employed and paid for less than 75 percent of the school year, part-time playground positions, full-time students employed part-time and part-time students employed part-time in any college work study program, apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.

As used herein, short-term employee means any person who is employed by the district to perform a service, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis.

As used herein 75 percent of a school year means 195 working days including holidays, sick leave, vacation and other leaves of absence irrespective of the number of hours worked per day.
 - b. Employees employed in positions classified as “restricted” shall be classified employees for all purposes except those set forth in Education Code, Section 45105.

(Education Code, Sections 45104-45105)

2. **Anniversary Date.** The date an employee is appointed to permanent district employment unless otherwise notified.
3. **Applicant.** Any person who has made application for a vacant position in the classified service.
4. **Appointment.** Formal action of the Board of Education to employ an applicant.
5. **Certificated Position.** Position requiring certification qualifications.
6. **Class or Classes of Positions.** A group of positions having duties and responsibilities sufficiently similar that the same title, duties and requirements may apply.
7. **Classification Plan.** The arrangement and grouping of positions in classes according to duties, authority and responsibilities.
8. **Classified Positions.** Positions not requiring certification qualifications.
9. **Coordinator.** The administrator of classified personnel.
10. **Demotion.** The reduction of an employee from a position in a class to a position in a lower class either voluntarily or by Board of Education action.
11. **Department.** An administrative unit of the district.
12. **Dismissal.** Removal of any employee from a regular position by action of the Board of Education.
13. **Employee.** Any person holding a classified position in the district.
14. **Layoff.** Termination of employment without fault on the part of the employee.
15. **Leave of Absence.** Authorization to be absent from duty for a specified period and for a specified purpose.
16. **Months of Service.** For purposes of determining salary, vacation, probationary periods and sick leave accruals, months actually worked or in a paid status shall be used. One-half month worked shall be considered a full month of service.
17. **Permanent Employee.** A regular employee who has completed the probationary period.
18. **Position.** A combination of duties regularly assigned to be performed by one person.
19. **Probationary Period.** The first six months of service following the original appointment.
20. **Reappointment.** The re-employment of employees who have been laid off.
21. **Reclassification.** The reallocation of a classification when duties and responsibilities no longer apply to the position.
22. **Regular Employee.** A person appointed by the Board of Education to hold a position with the district.
23. **Reinstatement.** The reappointment of a person who had resigned.
24. **Resignation.** The voluntary action of an employee that separates him from his position when accepted by the Board.
25. **Status.** The condition of an employee’s present appointment, such as temporary, probationary or permanent.
26. **Suspension.** An involuntary absence from duty, either with or without pay, imposed for disciplinary purposes or pending investigation of charges.
27. **Temporary Employee.** Persons employed for periods when work load is too great to be handled by regular staff; persons employed for a specific assignment for a limited period of time or to replace an employee on leave of absence.

28. Termination. Voluntary or involuntary separation from district employment.

29. Transfer. A change between positions within the same class.

B. EMPLOYMENT

1. Recruitment. To obtain the best possible employees and to retain them, the Classified Human Resources Office shall carry on the following activities:

- a. Inform all possible personnel sources of opportunities in the district, emphasizing that Palo Alto provides equal opportunities in all areas and assures that there will be no discrimination against any person on the grounds of race, religion, age, sex, national origin, color, disability, political belief, sexual orientation or marital status.
- b. Actively recruit the most competent personnel in compliance with the district’s Affirmative Action Policy.
- c. Maintain information on the latest developments in personnel administration, including wages, fringe benefits, working hours and conditions in other agencies and school districts.

(Education Code, Sections 45293, 45105)

Administrative Procedure:

- 1. *All applicants for positions in the classified service shall file a completed and signed application on the prescribed form in the Classified Human Resources Office.*
- 2. *Applications shall not be returned to the applicant.*

2. Selection.

- a. In accordance with the district’s Affirmative Action Policy, personnel shall be selected on the basis of qualifications and merit. The district endeavors to see that the staff is composed of individuals with various ethnic backgrounds.
- b. Whenever possible, supervisors and department heads shall participate in the evaluation of applicants.
- c. Training, experience and recommendations of previous employers shall be considered in the selection process.
- d. The use of written examinations to assist in the screening and selection of an applicant is permissible at the option of the Superintendent of Schools or designee.

(Revised 4/82)

3. Disqualification. Applicants may be disqualified from consideration for employment, or after initial employment, dismissed for any of the following reasons:

- a. Lack of qualifications established for the position.
- b. Physical inability to perform the duties of the position.
- c. Addiction to the use of narcotics or alcohol.
- d. Evidence of immoral, infamous or disgraceful conduct.
- e. Deception, fraud or misconduct in connection with the application or selection process.
- f. Previous dismissal for any of the causes mentioned herein or resignation to avoid such dismissal.
- g. History of unsatisfactory employment as verified by record.

4. Appointment. Initial appointments shall be made by the Board of Education upon the recommendation of the Superintendent of Schools.

(Revised 4/82)

Administrative Procedure:

- 1. *The Classified Human Resources Office shall issue a notice of appointment to each new employee with a copy to the principal or department head. Such notice shall include date of appointment, classification and salary range and step. Subsequent changes in status, salary or assignment of an employee shall be issued by the Classified Human Resources Office on the appropriate form, and copies shall be sent to the employee and principal or department head.*
- 2. *All new regular employees shall serve a six-month probationary period.*
- 3. *Substitute, hourly or temporary employees shall receive a notice of appointment issued by the Classified Human Resources Office, indicating status, salary and assignment. Such appointment carries none of the benefits of regular employment.*

(Revised 4/82)

5. Employment Forms. After appointment to a position and prior to reporting to work, all classified employees shall complete the following forms:

- a. Employee withholding exemption certificate (W-4).
- b. Oath.
- c. Fingerprinting.

- d. Group life insurance benefit card.
- e. Directory sheet.
- f. Affidavit of designation to receive warrants.
- g. Health insurance forms.
- h. Dental insurance forms.
- i. Vision insurance forms.
- j. Copy of social security card.
- k. I-9 (Employment Eligibility Verification).
- l. Driver's License.
- m. Child Abuse Form.

(Revised 4/82)
(Revised 9/91)

- 6. **Assignment.** Assignment of classified personnel shall be the responsibility of the Superintendent of Schools or his designated agent through the Classified Human Resources Office. All assignments shall be in the best interest of the school district.
- 7. **Hiring of Relatives.** Spouses or members of the "immediate family" of an employee are eligible for employment in the district. However, no two members of the same family shall be assigned to the same school or department. When a position is vacant and an applicant has the following relationship to the employee having supervisory responsibility or discretionary authority over the position in question, he shall not be eligible for consideration:
 - a. Member of "immediate family."
 - b. Brother-in-law.
 - c. Sister-in-law.
 - d. Nephews or nieces.
 - e. Cousins and other close affinitive (marriage) and consanguineous (blood) relationships.

- 8. **Position Classification Plan.** The Classified Human Resources Office shall develop and maintain a position classification plan for all positions not requiring certification qualifications to assure objectivity in recruitment, selection, salary administration and promotional process.

Administrative Procedure: All positions in the classified service shall be assigned to classes according to description title, definition of duties, responsibilities and employment standards.

The Coordinator shall analyze and assign all positions to groups of classes not requiring certification qualifications.

- 9. **Classification as Probationary or Permanent Employee.** All regular classified employees in the classified service shall be either probationary or permanent. All employees in the classified service shall serve an initial probationary period of six working months.

10. Reinstatement of Benefits after Rehire.

Administrative Procedure: A resigned classified employee who is rehired within one calendar year of the date of resignation shall be entitled to reinstatement of all appropriate benefits.

(Revised 4/82)

C. EVALUATIONS, PROMOTIONS AND TRANSFERS

- 1. **Evaluations.** The district shall maintain a program of evaluation for all regular employees. The purpose of this evaluation program shall be as follows:
 - a. To assist the employee to develop to his/her greatest potential.
 - b. To assess the performance of the employee.
 - c. To give employees an opportunity to assess the performance of their supervisor.
 - d. To commend the employee for outstanding performance.
 - e. To notify the employee of unsatisfactory performance.

Employees shall be encouraged to bring questions and suggestions to supervisors and to discuss any problems related to methods, purposes and end results of their work in order to promote close working relationships between employee and supervisor.

(Revised 4/82)

Administrative Procedure: (Refer to Article X of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

- 2. **Promotions.** (Refer to Article VIII of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

3. **Transfers.** (Refer to Article VIII of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

D. SEPARATION

1. **Resignations.** An employee wishing to leave the classified service in good standing shall file with his school or department and the Classified Human Resources Office a written resignation, giving at least two weeks notice. Such written notice shall indicate the date and time of the intended resignation. The Board of Education may accept a resignation without two weeks notice. However, such fact may be recorded in the resigned employee's personnel file.

(Education Code, Section 45201)

2. **Retirement.** All members of the regular classified service are by law participants in the Public Employees Retirement System and the Social Security System.

Minimum retirement age is 50 years. Eligibility for retirement requires a minimum of five years of service credit.

(Revised 4/82)

(Revised 9/91)

3. **Early Retirement Program.** Classified employees with 10 years of full-time service in the Palo Alto Unified School District who choose to retire at age 55 are eligible for early retirement.

(Revised 4/82)

Administrative Procedure: After ten years of full-time service in the Palo Alto Unified School District and attainment of age fifty-five, a classified employee becomes eligible for this program.

Persons opting for this program shall be assured of annual renewal for a five-year period or age 65, whichever comes first. Once electing to participate in the program, an employee may not return to regular employment in the district.

The district will continue the same fringe benefit contributions (medical, dental, vision, life) as the staff member had at the time he entered this program.

Application for participation in this program may be made in the Classified Human Resources Office.

(Revised 4/82)

4. **Reduction in Force.** Because of lack of work or lack of funds, the number of employees may be reduced or positions consolidated. If a position is eliminated for the reasons cited above, the incumbent employee shall be given written notice and be accorded all the considerations indicated in the Education Code.

(Education Code, Sections 45114, 45115, 45117, 45298, 45308)

(Details of these Code sections are included in Appendix B of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

(Revised 4/82)

E. DISCIPLINARY ACTION

1. **Definition of Disciplinary Action.** Classified employees shall be subject to disciplinary action for cause only. As used herein disciplinary action means one of the following:

- a. Dismissal –
Removal from the employment of the district.
- b. Suspension –
Temporary removal from service for a specified period of time with or without pay.
- c. Involuntary Demotion –
Placement in a lower classification without the employee's written consent.
- d. Involuntary Reassignment –
A change of assignment that may involve an assignment to a location not of the employee's choice.

2. **Causes for Disciplinary Action.** Disciplinary action may be taken for any of the following causes:

- a. Unauthorized absence.
- b. Commitment or conviction of any criminal act, whether a misdemeanor or felony. As used herein, conviction means "a plea or verdict of guilty or finding of guilt by a court in a trial without a jury or a plea."
- c. Failure to adequately perform requirements of the position held.
- d. Failure to comply with contractual conditions of employment.
- e. Insubordination.
- f. Disorderly or immoral conduct.
- g. Intoxication or use of intoxicants while on the job.
- h. Use of narcotics or controlled substances on the job or reporting to work while under the influence of a narcotic or controlled substance.

- i. Physical and/or mental inability to perform assigned duties.
- j. Neglectful or willful damage to public property or waste of public supplies or equipment.
- k. Habitual tardiness.
- l. Habitual absenteeism.
- m. Falsifying any information submitted to the district.
- n. Dishonesty.
- o. Violation of any lawful regulation of the school district or reasonable order of a supervisor.
- p. Inability to work with others to the detriment of the district.
- q. Abandonment of position.
- r. Discourteous, offensive or abusive treatment of the public, other employees or pupils.
- s. Failure to maintain licenses or certificates required for the position by law, district policy or job description.
- t. Misappropriation of district funds or property.

3. Disciplinary Procedures.

- a. **Immediate Suspension.** When circumstances exist in which an employee's presence could cause a real and present danger to the welfare or safety of the district, the public, students or employees, the district may immediately suspend that employee with or without pay. Such immediate suspension may be ordered by the Superintendent or his/her designee. Within two (2) working days of any such suspension, the district shall schedule the "informal meeting" referred to in 3b.
- b. **Informal Meeting.** An employee against whom disciplinary action may be taken shall meet with the Superintendent or his designee prior to written notification of official charges. The employee shall be informed orally of the reasons for disciplinary action and the action to be taken and be given an opportunity to respond. The employee shall be told the nature of the meeting and the right to be represented at this informal meeting by a representative of his/her choice.
- c. **Written Notice.** An employee against whom disciplinary action is taken shall be informed of the following in writing, either in person or by certified/registered mail to last known address:
 - (1) **Statement of Charges.** A statement of the specific charges against the employee shall be written in ordinary and concise language and shall include the cause and the specific acts and omissions on which the disciplinary action is based. No charge, however, shall be made for acts or omissions which occurred prior to the employee's becoming permanent nor more than two (2) years prior to the filing of this statement of charges, unless such facts were concealed or not disclosed by such employee when it could be reasonably assumed that the employee should have disclosed the facts to the district.
 - (2) **Right to a Hearing.** The employee may request a hearing in writing, either by mail or personal delivery, within five (5) calendar days after service of the statement of charges. A card or letter shall be provided to the employee, the signing of which shall constitute a demand for a hearing and denial of all charges. In the absence of a request for a hearing within five (5) calendar days, the disciplinary action shall be effective on the date set forth in the written notice.
 - (3) **Access to Material.** The employee may, upon request, have copies of the material upon which the charges are based.
 - (4) **Representation.** The employee has a right to have a representative of the employee's own choice at all stages of this procedure.
- d. **Formal Hearing.**
 - (1) A formal hearing shall be held within a reasonable period of time after the filing of a request for a hearing.
 - (2) If the employee does not request a hearing within five days following receipt of the charge, disciplinary action may be taken without a hearing.
 - (3) The employee may be represented at the hearing by a representative of his or her choice.
 - (4) Technical rules of evidence shall not apply at the hearing.
 - (5) For a suspension of five (5) days or less or for an involuntary reassignment, the hearing shall be delegated to the Superintendent or his designee.
 - (6) Upon the employee's request, a hearing for a suspension of six (6) days or more, demotion, or dismissal shall be conducted by the Board of Education or by an administrative law judge from the California State Office of Administrative Hearings, at the option of the Board of Education. Either the employee or the administration may request that a record of the hearing be made. The requesting party shall bear the cost of such record.
 - (7) A hearing before the Board of Education shall be in Closed Session unless the employee makes a written request for a public hearing at least five (5) days prior to the hearing. The Board may deliberate in the absence of the employee and the administration.
 - (8) The employee shall have the right to personally appear and testify, to call witnesses and to cross-examine witnesses called by the administration.

- (9) If the formal hearing is held before an Administrative Law Judge:
 - (a) The Administrative Law Judge shall submit to the Board of Education a written recommendation which shall include proposed findings of fact and determination of issues. A copy of the recommended decision shall be sent to the employee and the employee's representative.
 - (b) Prior to making a final decision, the Board of Education shall afford the employee and the administration the opportunity to present arguments regarding the sufficiency of cause for disciplinary action.
 - (c) The Board of Education may accept, reject or modify the recommended decision. Should the Board reject or modify the recommended decision, it shall first review the findings of fact.

(Revised 1/83)
(Revised 11/99)

(Refer to Article IX of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

F. MEDICAL EXAMINATIONS

- 1. **Examination for Tuberculosis.** All new employees shall have a chest X-ray or intradermal skin test before or immediately after rendering initial service in the Palo Alto Unified School District. All classified personnel shall undergo a chest X-ray or intradermal skin test at least once every four years. Reports on either the chest X-ray or the intradermal skin test can be accepted from a private physician.

(Education Code, Section 49406)

- 2. **Physical Examinations.** Each employee shall be in good general physical condition, free from disease or other conditions that would interfere with the satisfactory performance of the duties of his/her position.

(Education Code, Section 45122)
(Revised 4/82)

Administrative Procedure:

- 1. *In addition to the required tuberculosis examination for all regular employees of the district, a new regular employee may be required to submit a statement from a licensed physician certifying to the health of the employee.*
- 2. *Subsequent to employment an employee may be required to submit to a physical examination by a medical examiner designated by the district.*
- 3. *All physical examinations required by the district, other than tuberculosis examinations, shall be at the expense of the district.*

G. COMPENSATION

1. Salaries.

(Refer to Article VI of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

Administrative Procedure:

- 1. *New classified employees shall ordinarily be hired at the first step of the appropriate pay range; however, in the event the new employee is found to possess extraordinary qualifications for the position through former training or experience, employment at a higher step may be recommended by the supervisor/department head and authorized by the Coordinator of Classified Human Resources.*
- 2. *New probationary employees hired at the first step of the appropriate salary range shall receive a one-step increase on the first of the month following satisfactory completion of their six-month probationary period.*
- 3. *Other than appointments at the first step, all salary step increases shall be granted on the employee's appropriate anniversary date.*
- 4. *Initial employment for short-term or substitute employees shall normally be at the hourly equivalent of the first step of the appropriate salary range or the hourly equivalent of the second step of the appropriate salary range upon recommendation of the principal or department head and approval of the Coordinator of Classified Human Resources.*
- 5. *Regular employees promoted to a higher classification shall receive a five percent increase in salary. Salary adjustment shall be to the step on the higher salary range that represents five percent, provided that such increase shall not exceed the maximum step of the higher salary range. After six months the employee shall advance to the next higher step and the date of this occurrence shall become the new anniversary date.*
- 6. *Employees transferred within the same classification or to a classification in the same salary range shall not receive a salary adjustment.*
- 7. *Upon voluntary demotion or in lieu of layoff assignment to a lower classification, the salary shall be adjusted to the step on the salary range of the lower position which corresponds most closely to the salary received by the employee, provided such salary does not exceed the present salary or the maximum step of the lower classification.*
- 8. *Classified employees shall be paid on the last work day of the month in which the salary was earned.*

2. Payroll Deductions.**Administrative Procedure:**

1. Required.
 - a. Federal income tax.
 - b. Public Employees Retirement System
 - c. Social Security.
 - d. State income tax.
2. Optional. Payroll deductions for any of the following shall be optional:
 - a. Health insurance plans.
 - b. Life insurance plans.
 - c. Income protection insurance.
 - d. United Fund and CHAD.
 - e. Tax shelter annuities.
 - f. Employee organization dues.
 - g. Credit union.

The Classified Human Resources Office shall supply each employee with information regarding all insurance programs. Arrangements may be made for payroll deductions for district insurance at the time of initial employment or at a subsequent specified date.

3. Industrial Injury.

(Refer to Article XI of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

4. Overtime.

(Refer to Article VII of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

5. Excluded Overtime Positions. Education Code Section 45130 provides that certain classified positions may be excluded from the overtime provisions granted other classified employees.

Administrative Procedure: *All positions identified by the Board of Education as management in the classified service shall be excluded from overtime pay.*

(Revised 4/82)

(Revised 9/91)

6. Working out of Classification.

(Refer to Article VI of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

Administrative Procedure: *A classified employee required to work in a higher classification for five (5) or more working days within a 15-day period shall be compensated at regular rate of pay plus 75 percent (75%) of the difference between the step he is currently on and the corresponding step in the higher classification. Higher classification pay shall be applied to the entire period. Prior approval for working out of classification shall be obtained from the Coordinator of Classified Human Resources.*

7. Night Shift Differential.

(Refer to Article VI-F of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

H. BENEFITS

(Refer to Article VI of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

I. HOURS OF WORK

(Refer to Article VII of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

J. LEAVES, VACATIONS AND HOLIDAYS

(Refer to Article XI of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

K. GRIEVANCES

(Refer to Article V of the Collective Bargaining Agreement between PAUSD and CSEA Chapter 301.)

1. Employees are encouraged to solve difficulties and problems within the school or department by referring their concerns about the implementation of district policies and procedures to their immediate supervisor.
2. If the concern is not resolved through this process, the employee may present his concern to the member of the Superintendent's staff responsible for that part of the district's operation. The staff member shall communicate his decision to the employee within 20 working days of receipt of the concern.
3. Appeals of a decision made by a staff member may be referred to the Superintendent, who shall communicate his decision within 20 working days of receipt of the concern.

4. Final appeal of the Superintendent's decision may be made to the Board of Education.

(3/77)

L. EMPLOYEE CONCERNS REGARDING DISTRICT POLICIES AND PROCEDURES

1. Employees are encouraged to solve difficulties and problems within the school or department by referring their concerns about the implementation of district policies and procedures to their immediate supervisor.
2. If the concern is not resolved through this process, the employee may present his concern to the member of the Superintendent's staff responsible for that part of the district's operation. The staff member shall communicate his decision to the employee within 20 working days of receipt of the concern.
3. Appeals of a decision made by a staff member may be referred to the Superintendent, who shall communicate his decision within 20 working days of receipt of the concern.
4. Final appeal of the Superintendent's decision may be made to the Board of Education.

(3/77)

M. TOBACCO-FREE SCHOOL DISTRICT

The PAUSD Board of Education acknowledges its responsibility to provide a healthy and comfortable working environment for district students, staff, and community members. Recognizing that education plays a central role in establishing patterns of behavior related to health, the Board shall continue to provide programs that alert students to the health hazards of tobacco use.

The Board is also concerned about the health of its employees and recognizes the importance of adult role modeling for students during formative years. Therefore, in conjunction with an existing curriculum which addresses tobacco-use prevention, the Board hereby establishes a policy which will provide a tobacco-free environment in which students can learn, employees can work, and in which all, including visitors, can be healthy and comfortable.

Effective July 1, 1992, smoking and the use of tobacco products by all persons shall be prohibited on school district property. This shall include school buildings, grounds, school-owned vehicles, and school-sponsored events off campus.

Administrative Procedure:

1. **Dissemination of Policy:** *Compliance with the tobacco-free policy is the responsibility of all employees. Dissemination of information is the responsibility of all supervisors, who are required to inform their supervisees and community members about this policy.*
2. **Complaints and Resolutions:**
 - a. **Staff:** *Employees who violate the tobacco-free policy shall be subject to disciplinary action based on provisions in the California Education Code, negotiated agreements, and district policies and procedures.*
 - b. **Community:** *Citizens who are observed smoking or using tobacco products on district property during school-sponsored events shall be asked to refrain from doing so. If the individual fails to comply with the request, his or her violation of policy shall be referred to the building principal or other school district supervisory personnel responsible for the area or program during which the violation occurred. The supervisor shall make a decision regarding further action which may include a directive to leave school property.*
 - c. **Facilities:** *Users of district facilities under the Civic Center Act will be asked to publish the tobacco-free policy in their literature and announce the policy at the beginning of each event. Enforcement of the policy shall be the responsibility of the user group. Repeated complaints from clients/patrons to the district about the user group's failure to enforce the no smoking policy may result in temporary suspension or revocation of future use privileges.*

(12/91)

N. STAFF DEVELOPMENT PLAN

The Palo Alto Unified School District is committed to the value of systematic staff development for all employees as a primary method for enhancing student learning and growth. Schools are dependent on people to deliver services for our students. Those who give direct service to students are also dependent on a team of people to support their efforts. The district believes that the effectiveness of our schools for students can only be maintained and improved if the effectiveness of our employees is maintained and improved. The district believes that personal effectiveness is achieved in an organizational climate which encourages and provides for learning and renewal throughout a person's career, and therefore, the district believes that there should be a planned program for staff development which reflects individual needs as well as organizational priorities. The purpose of the District Staff Development Plan is to provide for the professional and personal growth of all employees in order to enhance competencies, performance, and effectiveness for students.

(11/87)

O. DRUG-FREE WORKPLACE

Pursuant to the requirements of the federal drug legislation entitled Drug-Free Workplace Act of 1988 (Public Law 100-

690, Title V, Subtitle D), it is the policy of the Palo Alto Unified School District to continue to provide and to encourage a drug-free workplace. All employees shall abide by this policy as a condition of employment and shall receive a written copy of the provisions of this policy.

- The Superintendent or designee shall certify to the Federal Government that the district continues to maintain a drug-free workplace.
- The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the Palo Alto Unified School District **and** at any time that the employee is engaged in the performance of work related to employment in the district.
- Any violation of this prohibition by an employee of the Palo Alto Unified School District may result in (1) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program; or (2) disciplinary action up to and including termination. The Superintendent or designee shall take the above actions within 30 days of such notice.
- Any employee shall notify the district of any criminal conviction of a controlled substance statute violation occurring in the workplace or in work-related activities no later than five days after such conviction. The district shall notify the appropriate Federal Agency within ten days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

The Superintendent or designee shall establish and maintain a drug-free awareness program to inform employees about:

- a. the dangers of substance abuse;
- b. the district policy of maintaining a drug-free workplace;
- c. the availability of information and support on an intermittent basis;
- d. the penalties that may be imposed upon employees for drug use violations.

(5/90)

P. ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY FOR PERSONNEL OPERATING COMMERCIAL MOTOR VEHICLES

Alcohol and controlled substances have no place in the workplace. To this end, the Board of Education has previously adopted a policy establishing a Drug-Free Workplace and has negotiated with CSEA an article on “Disciplinary Action” which includes use of alcohol and controlled substances on the job as causes for disciplinary action. Misuse of alcohol and use of controlled substances by District employees threaten the safety and well-being of those employees, their co-workers, the public, and the students the District is required to educate and protect.

The Board of Education hereby establishes a policy that all personnel engaged in safety-sensitive functions while at work for the District shall be subject to testing and if necessary, appropriate discipline, up to and including termination, for misuse of alcohol and for the use of controlled substances while at work.

The purpose of this policy is to enhance job performance; to minimize threats to the safety and well-being of students, staff, and the public; and to reduce fatalities, injuries, and property damage that result from the misuse of alcohol and the use of controlled substances by District employees performing safety-sensitive functions.

Employees who perform safety-sensitive functions shall:

- participate in District-provided training concerning the effects and consequences of alcohol misuse and controlled substances use on personal health, general safety, and the work environment; and
- participate in the District’s alcohol and controlled substance testing program; and
- Report to work and perform their job functions with no alcohol concentration above 0.02 and no controlled substances in their systems.

“Safety-sensitive functions” for purposes of this Policy are those functions identified by the Federal Highway Administration of the Department of Transportation, including operating commercial motor vehicles, including school buses; waiting to operate or to be assigned to operate a commercial motor vehicle; inspecting, servicing, or conditioning commercial motor vehicles; loading, unloading, or supervising or assisting in the loading of such vehicles; and repairing, obtaining assistance for, or remaining in attendance upon disabled vehicles.

This policy is adopted pursuant to and shall be applied consistent with the Federal Highway Administration Regulations, set forth in Title 49, Code of Federal Regulations, Part 382.

The Board directs the Superintendent to appoint a Program Coordinator, who shall be responsible for administering the Program; and further, directs the Superintendent to implement the Program and to maintain the appropriate District Program Regulations.

(Revised 12/95)

Q. SEXUAL HARASSMENT

It is the policy of the Palo Alto Unified School District to provide a work environment free from all forms of discrimination, including sexual harassment. No employee shall be subjected to unsolicited or unwelcomed sexual overtures or conduct, either verbal or physical. Such conduct is deemed unacceptable behavior and will not be tolerated in the school district.

For purposes of this policy, “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature made by someone from or in the work setting under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual’s employment, status or promotion.
2. Submission to or rejection of the conduct by the individual is used as a basis of employment or as a basis for any decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual’s work or performance or of creating an intimidating, hostile or offensive work environment.

Hostile environment is the most common form of sexual harassment in the workplace. This form of harassment occurs when unwelcome sexual conduct interferes with an individual’s performance or creates an intimidating, hostile or offensive working environment. Examples include: 1) sexually offensive visual images or writings; 2) use of sexually hostile or offensive language or gestures; 3) gender-based teasing and jokes; and 4) touching which creates discomfort and embarrassment.

The ‘reasonable victim’ standard is used to judge whether conduct constitutes sexual harassment by determining whether the conduct would be offensive to a reasonable person.

The Board of Education considers sexual harassment a major offense. Violation of this policy will constitute just and reasonable cause for disciplinary action.

Specific disciplinary action shall be related to the severity of the incident and/or the degree to which repeated incidents have occurred. Such disciplinary actions may include but are not limited to verbal warnings, letters of reprimand, suspension with or without pay, and dismissal.

The Superintendent is directed to establish due process procedures which provide a person accused of sexual harassment the opportunity to respond to allegations and provide an appropriate defense.

The Superintendent is also directed to develop administrative regulations which will ensure adequate communication of this policy to all employees and provide appropriate complaint and resolution procedures.

(Revised 6/96)

Administrative Procedure:

1. **Dissemination of Policy.** *In order to ensure that all employees have knowledge of this policy and administrative procedure, the administration will:*
 - a. *Include the Sexual Harassment Policy in the Board Policy Manual.*
 - b. *Provide copies of the Sexual Harassment Policy to all employees.*
 - c. *Provide appropriate inservice regarding the Sexual Harassment Policy for all administrators and supervisors.*
 - d. *Encourage annual review of the Sexual Harassment Policy and administrative procedure as part of staff orientation activities.*
2. **Confidentiality.** *Every effort shall be made to protect the privacy of parties involved in any complaint. Files pertaining to complaints handled under this process are confidential and therefore will only be discussed on a need-to-know basis as a means of investigating and resolving the matter.*
3. **Complaint and Resolution Procedures.**
 - a. *Step One – Informal Level: Employees who feel aggrieved because of conduct they believe constitutes sexual harassment are encouraged to inform the person engaging in such conduct that this conduct is offensive and must stop. If this is not effective or possible, the employee may proceed to Step 2.*
 - b. *Step Two – Formal Level: As soon as possible or within six months of the alleged incident of sexual harassment, the complainant shall report the incident to his/her immediate supervisor. If the accused is the supervisor, the complainant shall report the incident to the supervisor at the next level.*
Within ten days after presentation of the complaint, the immediate supervisor shall investigate the allegations and take appropriate corrective action.
 - c. *Step Three – Associate Superintendent: If the complaint is not resolved in Step Two, it shall be stated in writing within ten days of the decision rendered in Step Two, signed by the complainant, and submitted to the Associate Superintendent – Human Resources/Administration. The complaint shall provide the following information:*
 - (1) *Name of individual involved*
 - (2) *The facts giving rise to the complaint, including, if relevant, a pattern of behavior leading up to the alleged incident*
 - (3) *The specific relief being sought**Within ten days after receiving the written complaint, the Associate Superintendent shall investigate, give a written response and take appropriate action, including possible disciplinary measures.*
 - d. *Step Four – Superintendent: If the complaint is not resolved in Step Three, either party may, within five days of receipt of the Associate Superintendent’s answer, appeal to the Superintendent by filing the complaint, the*

Associate Superintendent's answer, and any written response of the complainant, in the Office of the Superintendent.

The Superintendent shall hear the appeal within ten days after receipt of any written complaint properly filed and shall render a decision in writing within ten days of the hearing.

Both parties shall be afforded a full and fair opportunity to present evidence relevant to the facts and the issues raised and may be represented by counsel at the hearing with the Superintendent.

Both parties shall be furnished a copy of the decision of the Superintendent. The decision of the Superintendent shall be final.

(12/90)

R. TECHNOLOGY USE POLICY

The Board of Education provides electronic information services to employees and students in order to promote educational excellence, creativity, efficiency and effective workplace skills. Access to resources such as intranet, Internet and e-mail have significant implications for the instructional program, operational efficiency of the district and professional development opportunities.

While access to local, national and international sources of information are vital to the work of students and staff, electronic information resources carry with them the responsibility to respect and protect the rights of users and providers. Staff members and students are expected to act in a responsible, ethical and legal manner in accordance with the mission and policies of the PAUSD, and of state and federal laws.

Before using online services, the student and parent/guardian shall sign the district's use agreement indicating that the student understands and agrees to abide by specific user obligations and responsibilities.

The Superintendent shall establish administrative regulations governing the use of the district's electronic information systems. These regulations shall prohibit access to harmful matter on the Internet, which may be obscene or pornographic and preclude other misuses of the system. Misuse of the systems may result in disciplinary action, revocation of the user account or disciplinary legal action as appropriate.

Administrative Procedures – Employee Use of District Electronic Information Systems

Employees are authorized to use the district's electronic information systems in accordance with user obligations and responsibilities specified below.

- a. *The employee in whose name an online services account is issued is responsible for its proper use at all times. Users shall keep personal account numbers, home addresses and telephone numbers private. They shall use the system only under their own account password.*
- b. *Employees shall use the system only for instructional purposes, school district business, and incidental personal use. Commercial and political use is strictly prohibited. The district reserves the right to monitor any online communications for improper use.*
- c. *Classified and certificated instructional personnel who utilize District electronic information systems in an instructional setting will take reasonable precautions to ensure that students do not engage in activity prohibited by this Administrative Procedure or that threatens systems security.*
- d. *Violations of user obligations or responsibilities may result in the cancellation of user privileges or other disciplinary action. Violations include uploading, downloading or creating computer viruses and/or any malicious attempt to harm or destroy district equipment or materials or the data of any other user.*
- e. *Users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to delete, copy, modify or forge other users' mail.*
- f. *Users shall report any security problem or misuse of the network to the Superintendent or his designee.*
- g. *The PAUSD electronic information systems shall not be used to:*
 - (1) *Solicit, send, post, publish, store, or access harmful matter or material that is abusive, threatening, obscene, pornographic, or sexually explicit, or that could be construed as harassment or disparagement of others on the basis of race, national origin, sex, sexual orientation, age, religion, or disability. Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which depicts or describes in a patently offensive way sexual conduct, and which lacks serious literary, artistic, political or scientific value for minors. (Penal Code 313)*
 - (2) *Encourage the use of drugs, alcohol, or tobacco, or promote any activity that PAUSD policy or the law prohibits.*
 - (3) *Transmit material over PAUSD electronic information systems in violation of any federal or state laws, including, but not limited to, pornography and copyright laws. Copyrighted material may not be placed on the system without the author's permission. Users may download copyrighted material for their own use only.*
 - (4) *Urge the support or defeat of any ballot measure or candidate on PAUSD Electronic Information Systems.*

(11/99)

